



Attorney's Docket No.: 10830-057001 / A36-129104M/NHK

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yoshizou Honda

Art Unit : 2625

Serial No. : 09/813,682

Examiner : S. Azarian

Filed : March 21, 2001

Title : MOVING IMAGE RECEPTION QUALITY EVALUATION APPARATUS

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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REPLY TO ACTION OF APRIL 7, 2004

Applicant submits the following reply to the Office action of April 7, 2004.

Applicant understands that the pending action is considered "non-final" as indicated at page 1, par. 2b of the Office action. Although page 5, par. 4 of the Office action states that the action is "final," the Examiner confirmed that the action is considered "non-final" in a telephone conference with Mr. Levy on or about April 20.

Applicant proceeds on the basis that this action is "non-final" and requests that the Examiner contact the applicant immediately if that is incorrect.

Claims 1-4 were rejected as anticipated by U.S. Patent No. 5,959,672 (Sasaki). As discussed below, applicant respectfully disagrees.

To anticipate a claim under 35 U.S.C. § 102, a single prior art reference must disclose each and every limitation of the claim. Any limitation not disclosed must be inherent (*i.e.*, necessarily present) in the disclosure of the reference.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 5, 2004

Date of Deposit

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Paula T. Romeo

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The pending claims recite an apparatus for evaluating the reception quality of a moving image.

Each of the pending claims recites a “moving image code,” which is defined by the pending specification as referring to “the moving image code conforming to the international standards” or to “the moving image code equivalent to the coding systems used in the international standards.” (Page 1, end of 2nd full paragraph).

As further explained in the specification, a single stream of moving image code may contain code directly related to the gradation values of the pixels, as well as code representing the moving image code type, format, and version and code representing the digital moving image specifications of the screen size, the number of frames per unit time and color representation system. (Page 4) If such information cannot correctly be decoded, the decoded image at the receiver may be impaired.

Applicant notes that the Sasaki patent discloses features of both an encoder (col. 2, line 19 – col. 8, line 36; col. 18, line 50 – col. 39, line 40) and a decoder (col. 8, line 37 – col. 12, line 29; col. 39, line 41 – col. 58, line 52).

Although the subject matter of the pending claims relates to a receiver/decoder, a number of the sections of the Sasaki patent referred to by the Office action relate to a transmitter/encoder.

Claims 1-3 refer to a moving image reception quality evaluation apparatus and a moving image receiver. As illustrated in the examples of FIGS. 1-3, the moving image reception quality evaluation apparatus is indicated by numeral 10, and the moving image receiver is indicated by numeral 20. The quality of the moving video code may be determined by comparing and analyzing the outputs from each of the moving image code reception sections.

According to claims 1 and 2, a moving image code is received by both a moving image code reception section (in the moving image reception quality evaluation apparatus) and by a moving image receiver. As shown in the example of FIG. 1, a moving image code is branched to

both the moving image code reception section 101 in the apparatus 10 and the moving image code reception section 200 in the moving image receiver 20.

In addition, according to claim 1, the moving image code can be input from the moving image receiver to a moving image decoder in the moving image reception quality evaluation apparatus. As shown, for example, in FIG. 1, the moving image code can be sent from the block 204 of the moving image receiver 20 to the decoder section 102 in the apparatus 10. Similarly, claim 3 recites that a moving image decoder (in the moving image reception quality evaluation apparatus) is adapted to receive the moving image code from the moving image receiver. An advantage of that feature is explained in the pending specification (at pages 22-23) as follows:

If the moving image code is input to the moving image decoder section 102 only from the moving image code reception section 101, the reception image quality of the moving image in the moving image receiver 20 can be evaluated, but the moving image code may be input from the moving image code transfer section 204 for evaluating the reception image quality of the moving image in the moving image receiver 20. If even a slight difference exists between the reception state of the moving image receiver 20 and that of the moving image reception quality evaluation apparatus 10, the image quality is evaluated based on the moving image code from the moving image code transfer section 204, whereby the moving image reception quality in the moving image receiver 20 can be evaluated more accurately.

The Sasaki patent discloses a picture signal encoding system capable of transmitting a motion picture signal and controlling the occurrence of retransmission mode and picture freeze. The system includes predicting the encoding attribute of the current frame of a transmission based on the encoding attribute of previous frames. The system extracts an area of an object existing in a scene and adds to the picture signal an attribute data of the object area extracted. A

motion vector is one attribute and is associated with a designated block of the frame. The system detects an occurrence area of the motion vector over three or more frames.

Thus, the Sasaki patent discloses an encoding process of a picture signal to provide an error correction function when a transmission error occurs during the decoding processing by detecting and analyzing an encoding attribute of a current frame with the attribute of previous frames received by a single image receiver.

However, the Sasaki patent does not disclose or suggest the particular features of claims 1-3 discussed above. At least for those reasons, applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-3.

Claim 4 refers to an “emulator section” that is capable of emulating specified functions corresponding to any of “a plurality of types of moving image receivers.” Therefore, if multiple types of moving image receivers exist, the subject matter of claim 4 can provide a common configuration for evaluating the reception quality of different types of moving image receivers. (*See, e.g.,* page 27, 2nd paragraph, and page 31, last paragraph of the pending specification)

The Sasaki patent does not disclose or suggest such features.

In view of the foregoing remarks, applicant respectfully requests reconsideration and withdrawal of the rejections of the claims.

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Enclosed is a check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 8/5/04

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